

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23/04/2004

CORAM

THE HON'BLE MR.JUSTICE P.D.DINAKARAN
AND
THE HON'BLE MR.JUSTICE T.V.MASILAMANI

W.P.No.11511 of 2004

L.Muthusamy
State President
Nationalist Students Congress
26-J, II Floor
Panduklix Plaza
168, Thambu Chetty Street
Chennai - 600001. .. Petitioner

-Vs-

1. The Election Commission of India
Nirvachan Sadan
Ashoka Road
New Delhi - 110 001.

2. The Chief Electoral Officer
State Election Commission
Fort St.George
Chennai - 600 009. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issue of a writ of Mandamus as stated therein.

For Petitioner : Mr.P.Jayaraman
Senior Counsel
for Mr.V.Babu

For Respondents: ---

:ORDER

(The order of this Court was delivered by P.D.DINAKARAN,J.)

Even though the petitioner, a practicing Advocate, filed this writ petition seeking a writ of Mandamus to direct respondents 1 and 2 to issue strict instruction to all Returning Officers concerned in the State of Tamil Nadu for the ensuing Parliament Election scheduled to be held on 10.5.2004, to strictly implement Section 13a(aa) of Election Symbols (Reservation and Allotment) Order, 1968 and consequently to reject the nominations of those candidates belonging to registered unrecognised political parties,contesting in the symbols of recognised political parties declaring as if they belong to such recognised political parties, he as well as his counsel on record sought permission of this Court to withdraw the above writ petition unconditionally and have also made an endorsement to that effect, which reads as follows: "petitioner may be permitted to withdraw the main writ petition unconditionally."

2. That apart, Mr.P.Jayaraman, learned senior counsel for the petitioner also expresses his regret, as neither the petitioner nor the counsel on record had briefed the details of the averments stated in the affidavit filed in support of this writ petition to him.

3. While we have our own reservation to permit the petitioner to withdraw the writ petition as we do not see any merit in the writ petition, nor any reason for the petitioner to invoke the jurisdiction of this Court in the public interest, nor any legal ground to interfere, taking note of the sincere request made by Mr.P.Jayaraman, learned senior counsel for the petitioner, as well as the counsel on record and the petitioner in person, we permit the petitioner to withdraw the writ petition.

In the result, this writ petition is dismissed. No costs.
Consequently, connected W.P.M.P.No.13561 of 2004 is also dismissed.

Index : Yes

Internet : Yes

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To:

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